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The Library Association Series

EDITED BY J. Y. W. MAC ALISTER, HONORARY SECRETARY OF THE ASSOCIATION

No. 7

ADOPTION OF THE PUBLIC LIBRARIES ACTS IN ENGLAND AND WALES

BY

H. WEST FOVARGUE

TOWN CLERK, EASTBOURNE, HON. SOLICITOR OF THE ASSOCIATION

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PREFATORY NOTE.

The Public Libraries Act, 1892, provided for its adoption in any Library District (*i.e.*, a Parish, Urban District, or Metropolitan District, Sects. 1 (2); 21 and 22), by a poll of the voters by means of voting papers. In 1893, by the passing of the Public Libraries (Amendment) Act, 1893, the method of adopting the Act in an URBAN DISTRICT was altered by a provision that the adoption should be by the passing of a resolution to that effect by the Urban Authority. In 1894 a further change was made by the Local Government Act of that year (familiarly called the Parish Councils Act), which provided that in a RURAL PARISH the Act should be adopted (if at all) by the Parish Meeting or (if demanded) a poll of the voters in manner provided by that Act, *i.e.*, by ballot. Therefore the only Library Districts where the Act may be adopted as originally provided are the City of London and Metropolitan Parishes or Districts. The object of this short treatise is to show the procedure to be followed where the Library District is—

(1) The City of London, a Metropolitan Parish, or a Metropolitan District.
(2) A Rural Parish.
(3) An Urban District.

H. W. F.

ADOPTION OF THE PUBLIC LIBRARIES ACTS IN ENGLAND AND WALES.

CITY OF LONDON AND METROPOLITAN DISTRICTS AND PARISHES.

THE regulations prescribed by the Public Libraries Act, 1892, for its adoption are now applicable only in the City of London (Sect. 21), Metropolitan Districts (Sect. 22), and Metropolitan Parishes (Sect. 1 (2)).

SUMMARY OF PROCEDURE.

The necessary steps to be taken may be summarised as follows:—

(1) A requisition requiring the opinion of the voters to be ascertained.
(2) A poll of the voters by means of voting papers.
(3) The appointment of Library Commissioners (except in the City of London, where the Common Council is to be the Library Authority).

PROCEEDINGS FOR ADOPTION OF ACT.

55 and 56 Vict cap. 53.

The following provisions of Sect. 3 of the Public Libraries Act, 1892, apply:—

3. With respect to—

(*a*) the adoption of this Act for any Library District; and
(*b*) the fixing, raising, and removing of any limitation on the maximum rate[1] to be levied for the purposes of this Act (*a*); and

(c) the ascertaining of the opinion of the voters [2] with respect to any matter for which their consent is required under this Act [3];

the following provisions shall have effect: that is to say,

(1) Any ten or more voters [2] [4] in the Library District may address a requisition in writing to the authority hereafter in this Section mentioned requiring that authority to ascertain the opinion of the voters [2] in the District with respect to the question or questions stated in the requisition . . .

[1] *i.e.*, A penny rate, except in the City of London (Sections 2 (2) and 21 (4). [2] *i.e.*, county electors. [3] See Sections 10 and 16 of Public Libraries Act, 1892. [4] In the City of London the Common Council and not the voters are to make the requisition (Section 21).

THE REQUISITION.

No form of Requisition is prescribed, but the following form may be used:—

To the Overseers of the Poor for the Parish of .

We, the undersigned, being ten or more voters in the Parish aforesaid, being a Library District within the meaning of the Public Libraries Act, 1892, do hereby require you (as the authority mentioned in Section 3 of the said Act) to ascertain the opinion of the voters in the said Parish as to the adoption of the said Act for the said Parish [and whether they are in favour of the rate being limited to *one halfpenny* in the pound.] *

Dated this day of 18 .

Name . Address . No. on Register of County Electors .

* *Omit the words in brackets if not required. See Section* 3 (2)

55 and 56 Vict., cap. 53.

THE PROCEEDINGS AFTER RECEIPT OF THE REQUISITION.

3. (2) On receipt of the requisition the said Authority shall proceed to ascertain by means of voting papers the opinion of the voters with respect to the said question or questions; but the said Authority shall not ascertain the

opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition, or with respect to any limitation of the rate other than the limitations specified in this Act:

(3) The procedure for ascertaining the opinion of the voters shall be in accordance with the regulations contained in the First Schedule to this Act; and those regulations shall have effect as if they were enacted in the body of this Act:

(4) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid voting papers, and where the majority of those answers are in favour of the adoption of this Act the same shall forthwith, on the result of the poll being made public (*i*), be deemed to be adopted:

The regulations for taking the poll are here inserted for convenience.

First Schedule.

Regulations for Ascertaining the Opinion of the Voters in a Library District.

In these regulations the expression "presiding officer" means, in relation to any Library District, the Authority required under this Act to ascertain the opinion of the voters in that District on any question (*a*), or a person appointed by that Authority (*b*), and that Authority is referred to in these regulations as the "District Authority".

Part I. Procedure by Voting Papers.

1. The District Authority (*a*) shall, before the day appointed for the issuing of the voting papers, provide the presiding officer (*c*) with a copy of the [*burgess roll, or*] county register [*as the case may be*], or of the part or parts thereof containing the names of all the voters (*d*) in the Library District.

2. On the day appointed for issuing the voting papers, the presiding officer shall send by post, or cause to be delivered to every voter, at his address appearing in the roll, or register, a

voting paper in the form contained in Part II. of this Schedule, or to the like effect.

3. Every voting paper shall bear the number of the voter on the roll, or register, as the case may be, and shall contain directions to the voter, in accordance with these regulations, as to the day on which, and the hours within which, the voting paper is to be collected or sent, and as to the place at which, if sent, it will be received.

4. The District Authority shall, before the issue of the voting papers, appoint such a number of competent persons as may be necessary to collect and receive the voting papers, and to assist in the scrutiny thereof, on such terms and for such remuneration as may be reasonable, and shall also appoint a convenient place within the District at which the voting papers are to be received; but the District Authority shall not be required to collect any voting papers which have been sent by them to addresses beyond the limits of the District (*e*).

5. Voting papers shall be collected between 8 a.m. and 8 p.m. of the third day after that on which they were issued (*f*). Such day is hereinafter in these regulations referred to as the polling day, and such last-mentioned hour is hereinafter referred to as the "conclusion of the poll".

6. A voting paper shall not, after collection, be delivered up to any person except the presiding officer, or a person appointed to receive voting papers.

7. The persons appointed to collect the voting papers shall, either before or as soon as may be after the conclusion of the poll, deliver the voting papers collected by them to the presiding officer or to a person appointed to receive the same.

8. A voting paper may be sent by prepaid post or by hand to the presiding officer at the place appointed by the District Authority for the receipt thereof, so that it be received by the presiding officer at such appointed place before the conclusion of the poll. Voting papers, except those collected by persons appointed by the District Authority, shall not be received at the appointed place after the conclusion of the poll.

9. Every person appointed to collect voting papers shall be appointed in writing (*g*) by the District Authority, and shall carry such writing with him while employed in the collection, and shall show it to any voter who may require him to do so. If any

person so appointed fails to comply with this regulation, or if any unauthorised person fraudulently receives or induces any voter to part with a voting paper, such person shall be guilty of a misdemeanour, and liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

10. A voting paper which contains the answer "yes" or "no" to any question put to the voters, and is duly signed, shall be deemed to be a valid voting paper with respect to that question (*h*).

A voting paper shall be deemed to be duly signed if signed by the voter with his full name or ordinary signature.

11. Where any voter is unable to write he may cause his voting paper to be filled up by another person. In such case he shall attach his mark to the voting paper, and such mark shall be attested by such other person, who shall sign his name and append his address thereto. A voting paper to which such mark is attached, and which is duly attested, shall be deemed to be duly signed.

12. Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, knowing that the same does not bear the true answer or signature of the voter to whom it was sent or intended to be sent, shall be guilty of personation, and liable to the penalties of that offence, as provided by the Ballot Act, 1872 [35 and 36 Vict., c 33].

13. The presiding officer shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall compare the same with his copy of the roll, or register, and ascertain how far the voting papers have been duly signed by the voters (*d*).

14. A question put to the voters (*d*) shall be deemed to be answered and determined in the affirmative or negative, according as the majority of valid voting papers returned contain the answer "yes" or "no" to that question.

15. Immediately on the conclusion of the scrutiny the presiding officer shall report to the District Authority the number of voters who have voted "yes" and "no" respectively to each question put to them, and the number of voting papers which are invalid (*i*).

16. The presiding officer shall seal up in separate packets

the valid and the invalid voting papers respectively, and shall transmit them, together with his report, to the District Authority (*a*).

17. Upon receiving the report of the presiding officer the District Authority shall cause the result of the poll to be made public in such manner as they think fit (*r*).

PART II. FORM OF VOTING PAPER.

Public Libraries Act, 1892.

Borough (Parish or other Library District) of

No. (Here insert number of voter in burgess roll, or county register, as the case may be.)

Question 1	Are you in favour of the adoption of the Public Libraries Act, 1892, for the Borough (*or* Parish, etc.) of ?	Answer 1. (*To be filled in* "Yes" *or* "No".)
Question 2	Are you in favour of the rate being limited to one halfpenny in the pound (*or* to three farthings, *or* of the existing limitation of the rate under the Public Libraries Act, 1892, being removed, *or* of the existing limitation to one halfpenny being raised to three farthings, *as the case may require*)?	Answer 2. (*To be filled in* "Yes" *or* "No".)
Question 3	Are you in favour of an agreement being made with (*here designate the body, or bodies, according to Section* 10 *or Section* 16 *of this Act*) for the purpose of (*briefly state objects of proposed agreement*)?	Answer 3. (*To be filled in* "Yes" *or* "No".)

Question 1.—To be omitted if Libraries Act already adopted. Question 2.—To be omitted if no question stated in the requisition as to limitation of rate. Question 3.—To be omitted if no such question raised.

Signature of Voter.

1. This voting paper will be collected by an authorised collector between the hours of 8 a.m. and 8 p.m. on day, the , 18 (*insert polling day*), or may be sent by

prepaid post, or by hand, addressed to (*state name or designation of presiding officer, and place appointed by the District Authority*). If it is sent it must be received at that address before 8 p.m. on the above-mentioned day.

2. You may require the collector to show his authority in writing. No authority is valid unless it is (signed by *A. B., or* sealed, or *as the District Authority may direct*).

(*a*) *i.e.*, in London the Lord Mayor (Section 21 (2)), in Metropolitan Districts the District Board (Section 22 (1)), in a Parish the Overseers (Section 3 (6)).

(*b*) Note that the "District Authority" has power to delegate his or their duties to another person subject to the regulations (see particularly Rules 4 and 6).

(*c*) *i.e.*, if the "Authority" appoints a deputy who comes also within the definition of "presiding officer".

(*d*) *i.e.*, County electors.

(*e*) The expenses, whether the Act is adopted or not, are payable out of the rates (Section 18; Section 21 (3) as to the City of London; and Section 22 (3) as toMetropolitan Districts.

(*f*) Note that this requirement is imperative. No alternative is left to the presiding fficer.

(*g*) The following form (though not prescribed) may be used :—

FORM OF APPOINTMENT OF COLLECTOR OF VOTING PAPERS.

Parish of

We, the uudersigned, being the Overseers of the Parish of and the District Authority within the meaning of the Public Libraries Act, 1892, and the regulations made thereby for ascertaining the opinion of the voters in the Parish, do hereby appoint Mr. of to (deliver and) collect the voting papers for ascertaining the opinion of the voters in the said Parish pursuant to the provisions of the said Act and Regulations.

Dated this day of 189 .

Signed , Overseer (or *as the case may be*).

(*h*) If it contains more than this (except as in rule 11), it appears that it cannot be deemed valid. And this would appear to apply if any method other than that specified is adopted to signify either assent or dissent. Reference should be made to the case of Reg. *v.* Morris, *Times*, 13th June, 1888.

(*i*) The following form of report is suggested with the necessary modifications applicable o the particular Districts :—

FORM OF REPORT OF RESULT OF POLL.

Parish of

PUBLIC LIBRARIES ACT 1892.

To the Overseers of the said Parish, being the District Authority within the meaning of the Public Libraries Act, 1892, and the Regulations made thereby for ascertaining the opinion of the voters in the said Parish.

I have to report that I have scrutinised the voting papers in the poll of the voters in the Parish on the following questions, and do certify and report the result to be as follows :—

		Number of Voting Papers containing the answer YES.	Number of Voting Papers containing the answer NO.	Number of Voting Papers Invalid.	MAJORITY (in favour *or against*)
Question 1	Are you in favour of the adoption of the Public Libraries Act, 1892, for the Parish of ?				
Question 2	Are you in favour of the rate being limited to one halfpenny in the pound (*or* to three farthings, *or* of the existing limitation of the rate under the Public Libraries Act, 1892, being removed, *or* of the existing limitation to one halfpenny being raised to three farthings, *as the case may require*)?				
Question 3	Are you in favour of an agreement being made with (*here designate the body or bodies, according to Section* 10 *or Section* 16 *of this Act*) for the purpose of (*briefly state objects of proposed agreement*)?				

* The total number of voting papers issued was .. .. ..
* ,, ,, ,, ,, delivered was .. .. ..
* ,, ,, ,, ,, collected was .. .. ..

Dated this day of , 18 .

, Presiding Officer.

* This information is not required by the regulations, but instead of vitiating the report it would improve it.

(i) The following form for announcing the result of the Poll may be useful:—

FORM FOR ANNOUNCING THE RESULT OF POLL.

Parish of (Metropolitan District *or* City of London as the case may be).

PUBLIC LIBRARIES ACT, 1892.

We, the undersigned, being the Overseers of the Poor (*or as the case may be*), and the Authority to ascertain the opinion of the voters under the Public Libraries Act, 1892, do hereby publish the result of the Poll: that is to say,

Number of valid voting papers in favour of the adoption of the Act .. ..

Number of valid voting papers against the adoption of the Act .. ..

(Or the questions and result may be set out if preferred in the Form given above.)

Majority *in favour* .. ..

Number of invalid papers .. ..

The majority of the answers recorded on the valid voting papers being *in favour* of the adoption of the Act, the same is by Section 3 of the said Act deemed to be forthwith adopted for the said Parish.

Dated this day of 18 .

, Overseers (or Lord Mayor, or Chairman of District Board).

SUPPLEMENTARY PROVISIONS AS TO THE POLL.

55 and 56 Vict. cap. 53.

3. (5) Where the opinion of the voters in any Library District is ascertained upon the question as to the adoption of this Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the voting papers were collected:

(6) The Authority to ascertain the opinion of the voters for the purposes of this Section shall be [*in a Municipal Borough the Mayor, and in any other Urban District the Chairman of the Urban Authority, and*] in a Parish the Overseers (*l*).

[The words in brackets are repealed.]

APPOINTMENT OF COMMISSIONERS.

55 and 56 Vict. cap. 53.

If the Act is adopted—

In the City of London the Common Council will be the Library Authority (Sect. 21); in a Metropolitan District the District Board must appoint Library Commissioners (Sect. 22 (2)); and

in a Metropolitan Parish the Vestry must appoint Library Commissioners (Sect. 5 (1) and Sect. 26). If the Act is adopted in a Metropolitan District, proceedings are not to be taken for the separate adoption thereof for any Parish in the District except with the sanction of the Local Government Board (Sect. 22 (6)), and if a Parish has adopted the Act it is to be treated as being outside the District (Sect. 22 (5)).

RURAL PARISHES.

The adoption of the Public Libraries Act, 1892, in a Rural Parish is regulated partly by that Act and partly by the Local Government Act, 1894. Sect. 7 of the latter Act provides :—

7. (1) As from the appointed day in every Rural Parish the Parish Meeting shall exclusively have the powers of adopting . . . 56 and 57 Vict. cap. 73.

(E) THE PUBLIC LIBRARIES ACT, 1892.

Summary of Procedure.

The proceedings to be taken to ascertain the opinion of the voters may be shortly summarised as follows :—

(1) There must be a Requisition by ten or more voters (and the more the better !), calling upon the Chairman of the Parish Meeting (or Council if there be one) to convene a Parish Meeting to consider the question.

(2) The Parish Meeting must be held at the time and place appointed, and a resolution moved to adopt the Act.

(3) If demanded a Poll must be taken, by ballot, in accordance with the Local Government Board's Regulations.

(4) If the result is in favour of the adoption of the Act, then where there is a Parish Council that body will be the Library Authority; but if there be none, then the Parish Meeting must either appoint a Committee or Commissioners to carry out the duties of a Library Authority under the Act.

THE REQUISITION.

It is to be observed that the provisions of Section 3 of the Public Libraries Act, 1892 (*ante*, p. 9 *et seq.*), are not expressly repealed so far as regards a Rural Parish. It is therefore desirable that as far as possible its requirements should be followed. Thus there should be a Requisition by ten or more voters (*i.e.*, parochial electors) to the Chairman of the Parish Meeting, or the

Chairman of the Parish Council if there be one (and it would be safer to send one also to the Overseers), requesting him (or them) to call a Parish Meeting to ascertain the opinion of the voters (see the form on p. 10 which may be used with the necessary alterations).

CONVENTION OF THE PARISH MEETING.

On receiving the requisition the Chairman of the Parish Meeting or (Parish Council) must convene a Parish Meeting. If he fails to do this any two Parish Councillors or six parochial electors may call it (56 and 57 Vict., cap. 73, sect. 45). Not less than seven clear days before the meeting public notice thereof is to be given specifying the time and place, and the business, and signed by the Convener (*ibid.*, First Schedule, Part 1, Rule 1). The public notice is to be given in the manner required for giving notice of vestry meetings (*i.e.*, by notices on or near to the doors of all the churches and chapels), and by posting the notice in some conspicuous place or places within the Parish, and in such other manner as appears to the person convening the meeting desirable for giving publicity to the notice (*ibid.*, Sect. 51). The meeting is to begin not earlier than six o'clock in the evening (*ibid.*, Sect. 2 (3)). No form of notice is prescribed. The following form is therefore suggested:—

PARISH OF .

PARISH MEETING. PUBLIC LIBRARIES ACT.

I, the undersigned, hereby give public notice that a Meeting of the Parochial Electors of the Parish of will be held at on at the hour of o'clock in the evening, for the purpose of considering and deciding (subject to any poll which may be legally demanded) upon the question set forth in the following requisition:—

(*Here copy the Requisition.*)

Dated the day of 18 .

A. B., Chairman of the Parish Meeting (or Council).

THE PARISH MEETING.

If there is a Parish Council for the Parish then the Chairman of that Council, if present at the meeting, is to be the Chairman of

the Meeting (56 and 57 Vict., cap. 73, sect. 45). If there is no Parish Council for the Parish, then the Chairman of the Parish Meeting will preside (*ibid.*, sect. 19 (1)), but if he is absent from or unwilling or unable to take the chair, the meeting may appoint a person to take the chair, and that person is to have the powers and the authority of the Chairman (*ibid.*, Schedule 1, Rule 10).

Only Parochial Electors are entitled to be present (*ibid.*, Section 2 (1)), and each elector may give one vote and no more on any question (*ibid.*, Sect. 2 (2)). The Chairman being in his place, it is suggested that the notice calling the Meeting should be read, and then a resolution should be moved and seconded (though the seconding is not strictly necessary) to the following effect:—

> THAT THE PUBLIC LIBRARIES ACT, 1892, BE ADOPTED FOR THE PARISH OF
> [SUBJECT TO THE RATE BEING LIMITED TO ONE HALFPENNY (OR THREE FARTHINGS) IN THE POUND *or as the case may be*].

Observe that the opinion of the meeting is not to be taken on any question with respect to the limitation of the rate (and then only upon the limitations specified in the Act) unless this is required by the requisition (Public Libraries Act, 1892, Section 3 (2), p. 10). If no limitation is mentioned in the Requisition the penny limit will apply.

The question having been put to the Meeting, is to be decided by the majority of those present and voting upon it (55 and 56 Vict., cap. 53, sect. 3 (4)), 56 and 57 Vict., cap. 73, sect. 7 (2), Schedule 1, Rule 5). In case of an equal division of votes, the Chairman has a second or casting vote (Rule 8), and he is to announce his decision as to the result, and that decision is to be final unless a poll is demanded (Rule 5). The following are the provisions of Sect. 7 of the Local Government Act, 1894:— 56 and 57 Vict. cap. 78.

> 7. (2) Where under any of the said Acts a particular majority is required for the adoption or abandonment of the Act, or for any matter under such Act, the like majority of the Parish Meeting, or, if a poll is taken, of the parochial electors, shall be required; and where under any of the said Acts the opinion of the voters is to be ascertained by

voting papers, the opinion of the parochial electors shall be ascertained by a poll taken in manner provided by this Act (*a*).

(*a*) The Public Libraries Act, 1892, Section 3 (4), provides that its adoption is to be by a mere majority of answers in favour of it.

THE POLL.

A poll may be demanded by any one Parochial Elector (56 and 57 Vict., cap. 73, Schedule 1, Rule 7 (*e*)), but this demand must be made before the conclusion of the meeting (Rule 6). The expenses of the meeting, including the expenses of any poll, are to be paid out of the poor rate and by the Parish Council, if there be one (*ibid.*, Sect. 11 (4)).

The poll must be taken by ballot in accordance with and subject to the provisions of Sect. 48 of the Local Government Act, 1894, and the Rules of the Local Government Board made thereunder:—

6 and 57 Vict., cap. 73

48. (3) At every election regulated by rules framed under this Act, the poll shall be taken by ballot, and the Ballot Act, 1872, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, and Sections 74 and 75 and Part IV. of the Municipal Corporations Act, 1882, as amended by the last-mentioned Act (including the penal provisions of those Acts) shall, subject to adaptations, alterations, and exceptions made by such rules, apply in like manner as in the case of a municipal election. Provided that:—

(*a*) Section 6 of the Ballot Act, 1872, shall apply in the case of such elections, and the returning officer may, in addition to using the schools and public rooms therein referred to free of charge, for taking the poll, use the same, free of charge, for hearing objections to nomination papers and for counting votes; and

(*b*) Section 37 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall apply as if the election were an election mentioned in the First Schedule to that Act.

. . . . . .

(6) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority, for any election (whether Parliamentary, County Council, Municipal,

School Board, or other), shall, on request, and if not required for immediate use by the said Authority, be lent to the returning officer for an election under this Act, upon such conditions and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed.

(7) The expenses of any election under this Act shall not exceed the scale fixed by the County Council; and if at the beginning of one month before the first election under this Act a County Council have not framed any such scale for their county, the Local Government Board may frame a scale for the county, and the scale so framed shall apply to the first election, and shall have effect as if it had been made by the County Council, but shall not be alterable until after the first election.

(8) This section shall, subject to any adaptations made by the said rules, apply in the case of every Poll consequent on a parish meeting, as if it were a Poll for the election of Parish Councillors.

The Rules were made by General Order of the Board on 15th November, 1894 (for a parish where there is no Parish Council), and 5th February, 1895 (for a parish having a Parish Council). It is unnecessary to reprint these Rules in this pamphlet, as they may be obtained from the Queen's printers (Messrs. Eyre and Spottiswoode), but the following is a summary of their provisions :—

Returning Officer.

The Chairman of the Parish Meeting at which the Poll is demanded is to be the Returning Officer (Rule 1). But he may appoint some other person to act for him (1 (2)). He is to appoint an office for the purposes of the Poll, and (if there is no Parish Council) give notice thereof to the Overseers (1 (3)). If the Chairman does not act, he is to forward a copy of the resolution and name of proposer to the Returning Officer (1 (4)).

Days and Hours of Poll.

The Returning Officer is to fix the day of the Poll, not being later than the fourteenth day after it was demanded.

It is to be open during the hours last fixed for the Poll at an election of Parish Councillors, if any, or the County Council may prescribe the hours. It must be open between the hours of 6 and 8 p.m. In a parish without a Parish Council, if the County Council has made no order, it is to be open between 4 and 8 p.m.

Polling Districts.

In a parish having a Parish Council, separate Polls must be taken in each polling district or ward, if any, or the Returning Officer may divide the parish into polling districts for the Poll, so long as each district consists of an area for which separate lists of parochial electors will be available.

Polling Places and Stations.

In a parish where there is no Parish Council there is to be one polling place and one polling station for the parish, to be determined by the Returning Officer, unless the County Council otherwise order. In any other parish the Returning Officer determines the number and situation of the polling places, unless there are not more than 500 electors, when only one polling station is to be provided, unless the County Council otherwise order.

No premises licensed for the sale of intoxicating liquors may be used.

Notice of the Poll.

The Returning Officer is to give this notice five clear days at least before the day fixed for the Poll. It is to be in the form prescribed in the Schedule, or to the like effect, viz. :—

Notice of Poll.

PARISH of

WHEREAS at a Parish Meeting for the Parish of (or for part of the Parish of), held on the day of 189 , the following resolution was proposed by , a parochial elector for the said Parish, viz. :—

"That the Public Libraries Act, 1892, be adopted for this Parish (subject to the rate being limited to ½d. (or ¾d.) in the £," *or as the case may be*).

AND WHEREAS a poll was demanded on the question whether the said Act should be so adopted or not,

NOTICE IS HEREBY GIVEN

1. That a Poll on the said question will be taken on the day of 189 , between the hours of and .
2. That the part of the parish for which the Poll is to be taken is as follows : (*This paragraph to be omitted if the Poll is taken for the whole of the Parish.*)
3. (*a*) That each elector must vote in the polling district in which the property in respect of which he votes is situate, and if it is situate in more than one polling district he may vote in any one, but in one only, of such polling districts.

(*b*) The polling districts are as follows : (*If the parish is not divided into polling districts this paragraph should be omitted.*)

4. The Poll will be taken at one polling place situate at . Only parochial electors will be entitled to vote. (*If there are several polling places this paragraph to be altered accordingly.*)
5. The Poll will be taken by ballot.

Dated this day of 189 .

, Returning Officer.

(*Office for purpose of Poll.*)

Presiding Officers.

If there is only one polling station the Returning Officer is to preside; if more than one, he is to appoint some person to preside at each of the other polllng stations, who is to be called the Presiding Officer, and suitable persons residing in the parish are to be preferred.

Compartments of Polling Stations—Ballot Papers.

The Returning Officer is to furnish each polling station with screened compartments for voting, with a sufficient number of ballot papers.

The following form of ballot paper is prescribed :—

BALLOT PAPER.

Counterfoil No.	Poll on the following question.		
		Answer.	
Note.—The counterfoil is to have a number to correspond with that on the back of the ballot paper.	1. That the Public Libraries Act, 1892, be adopted for this Parish (*or as the case may be*).	Yes.	No.

FORM OF BACK OF BALLOT PAPER.

No.

Poll consequent on Parish Meeting for Parish
[or part of Parish] 189 .

Note.—The *number* on the ballot paper is to correspond with that on the counterfoil.

POLLING AGENTS.

The proposer of the resolution may in writing appoint one polling agent at each polling station, who may be paid or unpaid. Any such appointment must be delivered at the office of the Returning Officer two clear days before the Poll.

QUESTIONS TO THE ELECTOR.

The only questions authorised to be put to an elector in the polling station (and then only if required) are :—

(*a*) Are you the person entered in the parochial register for this parish as follows (*read the whole entry from the register*) ?

(*b*) Have you already voted at the present poll?

COUNTING THE VOTES.

The votes are to be counted by the Returning Officer in the parish or in some place near thereto as soon as practicable after the close of the poll. If there is an equality of votes for or against the resolution, the Returning Officer may, if a parochial

elector, give a vote in writing, but he is not otherwise to be entitled to vote at the Poll.

The result must be declared in the following form as prescribed :—

DECLARATION OF RESULT OF POLL.

PARISH of

WHEREAS a Poll of the Parochial Electors of the Parish of (or a part of the Parish of), was taken on day of 189 , on the following question, viz. :—

"That the Public Libraries Act, 1892, be adopted for the Parish of " (*or as the case may be*).

I, the undersigned, being the Returning Officer at the said Poll, DO HEREBY GIVE NOTICE that the number of votes recorded thereat is as follows :—

In favour of the proposal	votes.
Against the proposal	votes.
Majority (in favour or against) (*as the case may be.*)	votes.

AND I DO HEREBY DECLARE that the said proposal was carried (*or lost as the case may be*).

, Returning Officer.

APPLICATION AND ADAPTATION OF VARIOUS ACTS.

The Ballot Act, 1872; certain sections of the Municipal Corporations Act, 1882, and the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, are applied and adapted. They are not set out here at length, as the Local Government Board's Orders are doubtless in the possession of those who have to take Polls in parishes under them upon other matters.

PUBLICATION OF NOTICES.

Any public notice is to be given under the Order by posting the same on or near the principal door of each church and chapel in the parish, or in some conspicuous place or places.

ADOPTION FOR PART OF PARISH.

56 and 57 Vict., cap. 73.

7. (4) Where there is power to adopt any of the adoptive Acts for a part only of a rural parish, the Act may be adopted by a Parish Meeting held for that part (*b*).

(*b*) Section 1 (3) of the Public Libraries Act, 1892, provided for the adoption of the Act in a parish partly within and partly without an urban district, but that provision was repealed by the Local Government Act, 1894. Under that Act such parts of parishes as are outside urban districts may be constituted separate parishes either by the Local Government Board or County Council.

AUTHORITY TO EXECUTE THE ACT.

In a Rural Parish with a Parish Council.

56 and 57 Vict., cap. 73.

7. (7) When any of the adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a Parish Council, the Parish Council shall be the Authority for the execution of the Act.

In a Rural Parish without a Parish Council.

55 and 56 Vict., cap. 53.

Where there is no Parish Council, the Parish Meeting may exercise the power contained in Sect. 5 of the Public Libraries Act, 1892, of appointing Library Commissioners (*i.e.*, not less than three nor more than nine voters) or possibly the meeting may act under the following provisions of the Local Government Act, 1894, viz. :—

56 and 57 Vict., cap. 73.

19. (3) The Parish Meeting may appoint a Committee of their own number for any purposes which, in the opinion of the Parish Meeting, would be better regulated and managed by means of such a Committee, and all the acts of the Committee shall be submitted to the Parish Meeting for their approval.

AMALGAMATION OF LIBRARY DISTRICTS BEING RURAL PARISHES.

Frequently a better Library may be provided by two or more Parishes combining or amalgamating by agreement. Two or three methods of combination are provided by the Public Libraries Act, 1892, thus :—

Sect. 9. After the Act is adopted, the Parish Meetings of two or more rural parishes may by agreement combine for any period in carrying the Act into execution. Each Parish Meeting appoints not more than six Commissioners.

Sect. 16. The Commissioners (or Parish Council where there is one) separately appointed for any two or more rural parishes may make agreements for the use of a common Library subject to the consent of the voters (*query* Parish Meeting).

Sect. 10. With the consent of the voters, a rural parish (where the Act has been adopted or the adoption whereof is contemplated) may be annexed to a Library District, subject to the consent of the Library authority in that district. Thus a rural parish may obtain the benefits of any Library established in a borough or other urban district.

For fuller information on this subject, reference should be made to "Public Library Legislation," published for the Library Association by Messrs. Simpkin, Marshall & Co., price 2s. 6d.

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BOROUGHS AND OTHER URBAN DISTRICTS.

Section 3 of the Public Libraries Act, 1892, provided for the adoption of the Act by a poll taken by means of voting papers. That section was repealed by the Public Libraries Amendment Act, 1893, Sect. 2, so far as it relates to an urban district.

SUMMARY OF PROCEDURE.

The procedure therefore necessary to be taken in an urban district (which includes a borough and any district for which an Urban District Council is elected), may be summarised in the following manner :—

(1) A month's notice must be given of the meeting of the Urban District Council (which in a borough is the Town Council) at which it is intended to propose a resolution adopting the Act. *The publication of this notice is provided for by Sect.* 3.

(2) At the meeting of the Council the resolution must be proposed; and provided there is a quorum, a bare majority voting in favour of the resolution will be sufficient.

(3) The resolution must be advertised, and the Council is to fix the date when it is to come into operation, being not less than one month after the first publication.

The following are the provisions of the Public Libraries (Amendment) Act, 1893 :—

Vict., cap. 11. MODIFICATION AS TO ADOPTION, ETC., IN URBAN DISTRICTS.

2. (1) Where a Library District is an Urban District—

(i) The principal Act may, subject to the conditions contained in the second section of that Act (*a*), be adopted, and the limitation of the maximum rate to be levied for the purposes of that Act may within the limits fixed by that Act be fixed, raised, or removed by a resolution of the Urban Authority under this Act (*b*).

(ii) The consent of the Urban Authority (*c*) given by a resolution of that Authority under this Act shall be substituted

in an urban district for the consent of the voters in any case when the consent of the voters is required under the principal Act.

(2) Section three of the principal Act is hereby repealed, so far as it relates to an urban district.

(*a*). These conditions relate to the limitations on expenditure for the purposes of the Act, namely, a rate of 1d., ¾d., or ½d.

(*b*). No form of resolution is prescribed, but the following is sufficient:—

FORM OF RESOLUTION.

That the Public Libraries Act, 1892, be adopted for the Urban District of (subject to the rate not exceeding ½d. or ¾d. in the £, or *as the case may be*), and that the same do come into operation in the said district on the day 189 .

FORM OF RESOLUTION ALTERING THE LIMITATION OF THE RATE.

That the Public Libraries Act having been adopted for the Urban District of (subject to the rate not exceeding ½d. in the £, or *as the case may be*), this Council do hereby resolve that the said limitation be removed from and after the day of 189 .

(*c*). The Urban Authority in a borough is the Town Council. In any other urban district, the Urban District Council.

PROVISION AS TO A RESOLUTION OF AN URBAN AUTHORITY FOR THE ADOPTION, ETC., OF THE PRINCIPAL ACT.

3. (1) A resolution under this Act shall be passed at a meeting of the Urban Authority; and one month at least before the meeting special notice of the meeting (*a*) and of the intention to propose the resolution shall be given to every member of the Authority, and the notice shall be deemed to have been duly given to a member of it, if it is either—

(*a*) Given in the mode in which notices to attend meetings of the Authority are usually given; or

(*b*) Where there is no such mode, then signed by the Clerk of the Authority, and delivered to the member or left at his usual or last-known place of abode in England, or forwarded by post in a prepaid letter, addressed to the member at his usual or last-known place of abode in England.

(2) The resolution shall be published by advertisement (*b*) in some one or more newspapers circulating within the district of the Authority, and by causing notice thereof to be affixed to

the principal doors of every church and chapel, in the place to which notices are usually fixed, and otherwise in such manner as the Authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at a time not less than one month after the first publication of the advertisement of the resolution as the Authority may by the resolution fix.

(3) A copy of the resolution shall be sent to the Local Government Board.

(4) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

(*a*). SUGGESTED FORM OF NOTICE TO MEMBERS OF THE URBAN AUTHORITY.

Urban District of

To being a member of the Urban Authority for the district of

I HEREBY GIVE YOU SPECIAL NOTICE that a meeting of the Urban District Council for the District of will be held at in the said District, on the day of 189 , at the hour of to take into consideration and determine upon the following motion which Mr. a member of the Urban Authority, intends to propose, namely :—

(Here copy resolution, see note (*b*), page 31).

This special notice is sent to you one month at least before the meeting, required by the provisions of the Public Libraries (Amendment) Act, 1893.

I am, Sir,

Your obedient Servant,

Town Clerk *or* Clerk.

(*b*). SUGGESTED ADVERTISEMENT ON THE PASSING OF THE RESOLUTION.

Urban District of

PUBLIC LIBRARIES ACT, 1892.

PUBLIC LIBRARIES (AMENDMENT) ACT, 1893.

NOTICE IS HEREBY GIVEN, that at a meeting of the Urban District Council (being the Urban Authority within the meaning of the Public Libraries (Amendment) Act, 1893), for the district of held on the day of 189 , in pursuance of notice duly given in accordance with the statutory requirements in that behalf, the following resolution was passed, namely :—

(Here copy the resolution, see note (*b*), page 31).

Town Clerk *or* Clerk.



